

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARREN E. ARMSTEAD,)	CASE NO.: C07-0025-JCC-MAT
)	
Petitioner,)	
)	
v.)	ORDER RE: PENDING MOTIONS
)	
DOUG WADDINGTON,)	
)	
Respondent.)	
_____)	

Petitioner proceeds *pro se* in this 28 U.S.C. § 2254 proceeding. Having considered petitioner's motion to argue all cause numbers and state events (Dkt. 21), motions to add ineffective assistance of counsel claims (Dkts. 23 & 24), and motion for extension of time (Dkt. 26), as well as respondent's motion for extension of time (Dkt. 25), the Court hereby ORDERS:

(1) Petitioner submitted his motion to argue all cause numbers and state events (Dkt. 21) on the same day he filed his second amended habeas petition (Dkt. 22). Rather than constituting a separate motion, this document appears to be some sort of addendum to petitioner's habeas petition. Because the Court construes this document as an addendum, it is hereby STRICKEN from the Court's motion calendar.

(2) Petitioner filed his second amended habeas petition prior to the filing of

01 respondent's answer. Pursuant to Federal Rule of Civil Procedure 15(a), petitioner had the right
02 to amend his pleading once as a matter of course prior to the filing of a responsive pleading.
03 Shortly after filing his second amended habeas petition, and in short succession, petitioner filed
04 two motions to add claims of ineffective assistance of counsel, directed at two different attorneys.
05 (Dkts. 23 & 24.) Given the close proximity in time in which all three of these documents were
06 submitted, and taking petitioner's *pro se* status into consideration, the Court considers petitioner's
07 motions to add claims together with his second amended habeas petition as a single amended
08 pleading submitted prior to the filing of respondent's answer. Accordingly, plaintiff's motions to
09 add ineffective assistance of counsel claims are also hereby STRICKEN from the Court's motion
10 calendar.

11 (3) In his motion for an extension of time to file an answer, respondent indicated he
12 would not be able to submit an answer before the filing deadline of April 13, 2007. (Dkt. 25.)
13 However, respondent subsequently timely submitted an answer to petitioner's habeas petition on
14 April 3, 2007. (Dkt. 29.) Accordingly, respondent's motion for an extension of time is hereby
15 STRICKEN as moot.

16 (4) On March 28, 2007, plaintiff filed what appears to be a request for a general
17 extension on any deadlines to reply to documents submitted by respondent due to an impending
18 transfer. (Dkt. 26.) Later, in a letter dated April 12, 2007, plaintiff confirmed his new address and
19 indicated he was without his legal documents and would likely remain so for approximately two
20 weeks. (Dkt. 32.) The Court construes these documents together as a motion for extension of
21 time to respond to the answer filed by defendant on April 3, 2007 and currently noted on the
22 Court's motion calendar for consideration on April 27, 2007. Finding this request for an extension

01 reasonable, the Court hereby GRANTS plaintiff's motion for an extension of deadlines and renotes
02 defendant's answer for consideration on **May 18, 2007**. Petitioner may file and serve a response
03 no later than **May 14, 2007** and respondent may file and serve a reply no later than **May 18, 2007**.

04 (5) The Clerk shall direct copies of this Order to petitioner, to counsel for respondent,
05 and to the Honorable John C. Coughenour.

06 DATED this 19th day of April, 2007.

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08 Mary Alice Theiler
09 United States Magistrate Judge
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